

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525**

**MINUTES
VILLAGE OF INDIAN HEAD PARK
PLANNING AND ZONING COMMISSION
PUBLIC HEARING**

"Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken."

Tuesday, April 1, 2008

7:30 P.M.

CALL TO ORDER -COMMISSIONER NOREEN COSTELLOE

A public hearing was hosted by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, April 1, 2008, at the Municipal Facility, 201 Acacia Drive. Commissioner Noreen Costelloe chaired the meeting. Zoning Petition #168 was presented to the Commission by Mr. & Mrs. Dan McCarthy, owners of the property at 11150 Ashbrook Lane, who are requesting a rear yard variation and amendment to the Ashbrook Development Planned Unit Development to allow for the reconstruction of a deck into the rear yard setback. The meeting was convened at 7:30 p.m. by Commissioner Costelloe and Kathy Leach, Zoning Commission Secretary, called the meeting to order.

ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):

Commissioner Noreen Costelloe
Commissioner Mike Lopez
Commissioner Earl O'Malley
Commissioner Jack Yelnick

NOT PRESENT:

Chairman Dennis Schermerhorn
Commissioner Diane Andrews
Commissioner Denise Ingram

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Costelloe and the Planning and Zoning Commission members led the audience in reciting the Pledge of Allegiance to the Flag as follows: ***"I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all"***.

QUESTIONS AND/OR COMMENTS FROM INDIAN HEAD PARK RESIDENTS/PROPERTY OWNERS IN ATTENDANCE REGARDING ZONING AGENDA ITEMS

None

PUBLIC HEARING HELD BEFORE THE VILLAGE OF INDIAN HEAD PARK PLANNING AND ZONING COMMISSION (PUBLIC COMMENTS RECEIVED AFTER DISCUSSIONS BY THE PLANNING AND ZONING COMMISSION MEMBERS AND PRIOR TO VOTES)

ZONING AGENDA ITEMS:

- 1. Petition #168 – A Petition for a Rear Yard Variation and an Amendment to the Ashbrook Development Planned Unit Development Regarding a deck at 11150 Ashbrook Lane, Indian Head Park.**

Commissioner Costelloe noted that an application for a zoning amendment to the Ashbrook Development Planned Unit Development was filed with the Village to allow for the reconstruction of a deck with stairs down to grade into the rear yard setback of the property located at 11150 Ashbrook Lane. The following exhibits were presented and reviewed by the Commission concerning this zoning petition: (1) a zoning petition form dated March 6, 2008 signed by Mr. & Mrs. Dan McCarthy requesting an amendment to the Ashbrook Development P.U.D; (2) a certificate of publication notice in the Suburban Life newspaper on Saturday, March 15, 2008; (3) a letter of approval from the Ashbrook Estate Homes Association; (3) a plan review report dated March 17, 2008 prepared by the Village's plan review consultant; (4) a list of adjacent property owners within two hundred feet of the subject property; (5) a copy of a Plat of Survey of the subject property, a project summary and proposed plans; (6) a copy of the letter that was sent to the adjacent property owners and; (7) a memo to public works regarding posting of the zoning sign on the subject property.

Mr. Dan McCarthy stated that he is interested in reconstructing the existing deck into the rear yard setback of his property that is in disrepair and to build a new larger deck with stairs down to grade that creates an encroachment of 4.94 feet into the rear yard of the property. He noted that the new deck will be constructed according to Village codes and a zoning process was required due to a change in the previously approved Ashbrook Development plan as well as the rear yard variation for the 4.94 feet encroachment. He noted that although the new deck will be larger the only variance needed is for the stairs down to grade that extend into the rear yard setback and the Ashbrook Association provided approval of the proposed plan.

Commissioner Costelloe noted that one letter was received from an adjacent property owner in favor of granting the zoning relief requested and no letters were received opposing the requested variation and amendment.

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The Commission members reviewed the following Findings of Fact with regard to the residential property at 11150 Ashbrook Lane to evaluate evidence presented in response to the following criteria before recommending a variation, as required by the Village's Zoning Ordinance, ***Title 17 Zoning, Section 17.23.060E***: (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located (not applicable -- this reference pertains only to commercial properties); (2) the plight of the owner is due to unusual circumstances (all commissioners agree); (3) the variation, if granted, will not alter the essential character of the locality (all commissioners agree); (4) the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out (all commissioners agree); (5) the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification (all commissioners agree); (6) the purpose of the variation is not based upon a desire to make money out of the property (all commissioners agree); (7) the alleged difficulty or hardship has not been created by any person presently having an interest in the property (all commissioners agree) (8) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located (all commissioners agree); (9) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood (all commissioners agree).

Commissioner O'Malley moved, seconded by Commissioner Lopez, to accept the findings of fact with regard to the zoning matter before the Planning and Zoning Commission this evening. Motion carried by unanimous roll call vote (4/0/2).

Aye: Commissioners: Costelloe, Lopez, O'Malley, Yelnick

Nay: None

Absent: Chairman Schermerhorn and Commissioners Andrews and Ingram

Commissioner Costelloe entertained a motion to submit a recommendation to the Village Board to accept the petition as presented for approval. Commissioner Yelnick moved, seconded by Commissioner O'Malley, to submit a recommendation to the Village Board for approval of a rear yard variation and an amendment to the Ashbrook Development Planned Unit Development to allow for the reconstruction of a deck at 11150 Ashbrook

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Lane as proposed in the plans submitted to the Commission. Carried by unanimous roll call vote (4/0/2).

Aye: Commissioners: Costelloe, Lopez, O'Malley, Yelnick

Nay: None

Absent: Chairman Schermerhorn and Commissioners Andrews and Ingram

Commissioner Costelloe stated that a report will be presented to the Village Board at the next meeting and a recommendation will be provided to approve granting the amendment to the Ashbrook Development Planned Unit Development for the property located at 11150 Ashbrook Lane.

Aye: Commissioners: Costelloe, Lopez, O'Malley, Yelnick

Nay: None

Absent: Chairman Schermerhorn and Commissioners Andrews and Ingram

PUBLIC COMMENTS FROM THE AUDIENCE

A resident of Ashbrook Development in the audience stated that he is also proposing to reconstruct his deck and asked about the process to review and approval the plans. The Commission members pointed out that plans would need to be submitted through the building permit plan review process and a public hearing would be required before the Commission unless the deck would be reconstructed within the same dimensions that were approved by the Ashbrook Subdivision plans. A building permit is required to reconstruct a deck and additional information may be obtained at the Administration Offices.

**REVIEW AND APPROVAL OF PLANNING AND ZONING
COMMISSION MEETING MINUTES (DISCUSSION AND A
POSSIBLE VOTE MAY TAKE
PLACE)**

★ *Minutes of the Planning and Zoning Commission Meeting held
October 2, 2007*

Upon review of the minutes presented from the meeting held on Tuesday, October 2, 2007, Commissioner O'Malley moved, seconded by Commissioner Lopez, to approve the October 2, 2007 meeting minutes, as amended. Carried by unanimous voice vote (4/0/2).

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ADJOURNMENT

There being no further business to discuss before the Commission, Commissioner Yelnick moved, seconded by Commissioner O'Malley, to adjourn the meeting 7:55 p.m. Carried by unanimous voice vote (4/0/2).

Respectfully Submitted,
Kathy Leach, Recording Secretary
Planning and Zoning Commission